

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

DEFENDANTS' WITNESS LIST

FEDERAL INSURANCE COMPANY,

an Indiana corporation, and ACE

AMERICAN INSURANCE COMPANY,

a Pennsylvania corporation,

Defendants.

Pursuant to the Trial Notice and Final Pretrial Order (ECF No. 923), Defendants Federal Insurance Company and ACE American Insurance Company submit the following witness list:¹

A. FACT WITNESSES

Federal and ACE may present testimony from the following fact witnesses:

Witness Name	Presentation	Summary of Testimony
Sean Baseman	Live	Sean Baseman is expected to testify about use of Blaze by insurance companies.
Mark Berthiaume	Deposition	Mark Berthiaume is expected to testify about software-license agreements, 2006 license negotiations, and the scope and terms of the Enterprise License Agreement ² and/or other related agreements.

¹ In providing this initial witness list, Federal and ACE do not waive the objections reflected in their anticipated *in limine* motions, or any future objections, regarding the admissibility of certain testimony or exhibits. This initial witness list does not include witnesses that Federal and ACE may call solely (i) for impeachment purposes or in rebuttal, or (ii) to authenticate documents. This initial list does not reflect the order in which witnesses will be called. Federal and ACE reserve the right to (i) call or cross examine any witness on FICO's witness list, and any witnesses necessary for impeachment or rebuttal, and (ii) amend or supplement this initial list, as provided for in the Final Pretrial Order (ECF No. 923).

² "Enterprise License Agreement" includes the Software License and Maintenance Agreement dated June 30, 2006, Amendment One dated August 1, 2006, and Amendment Two dated December 28, 2006.

Witness Name	Presentation	Summary of Testimony
Jim Black	Live	Jim Black is expected to testify about software-license agreements, 2006 license negotiations, and the scope and terms of the Enterprise License Agreement and/or other related agreements.
Jandeen Boone	Live	Jandeen Boone is expected to testify about her position as an attorney at FICO and Blaze license negotiations and license agreements, 2006 license negotiations, and the scope and terms of the Enterprise License Agreement and/or other related agreements.
Thomas Carretta	Live	Thomas Carretta is expected to testify about Blaze license negotiations and license agreements, Federal's alleged breach of the Enterprise License Agreement, and FICO's response to the merger and its purported termination of the Enterprise License Agreement.
Oliver Clark	Deposition	Oliver Clark is expected to testify about use of Blaze in Europe, the scope and terms of the Enterprise License Agreement and/or other related agreements, and FICO's purported termination of the Enterprise License Agreement.
Phil Folz	Live	Phil Folz is expected to testify about software-license agreements, 2006 license negotiations, and the scope and terms of the Enterprise License Agreement and/or other related agreements.
Ellen Garnes	Live	Ellen Garnes is expected to testify about workflow and use of Blaze.
Claudio Ghislanzoni	Live	Claudio Ghislanzoni is expected to testify about software-license agreements, the development of applications, use and replacement of Blaze, and information-technology infrastructure.
David Gibbs	Live	David Gibbs is expected to testify about software-license agreements, the scope and terms of the Enterprise License Agreement and/or other related agreements, and the use of Blaze in Europe.
Kevin Harkin	Live	Kevin Harkin is expected to testify about Defendants' financials, the factors that contribute to revenue generation and profit, and use of Blaze.
Russell Hodey	Live	Russell Hodey is expected to testify about the alleged use of Blaze in Australia.
Pamela Lopata	Live	Pamela Lopata is expected to testify about the Defendants' corporate structure, and the Chubb & Son division.
Henry Mirolyuz	Live or By Deposition	Henry Mirolyuz will testify about software-license agreements, use of Blaze, and information-technology infrastructure.

Witness Name	Presentation	Summary of Testimony
Ramesh Pandey	Live	Ramesh Pandey is expected to testify about software-license agreements, use and replacement of Blaze, and information-technology infrastructure.
Tamra Pawloski	Live	Tamra Pawloski is expected to testify about post-merger communications with FICO, use of Blaze, vendor-management processes, and mergers, acquisitions, and other changes in control.
Michael Sawyer	Live	Michael Sawyer is expected to testify about Blaze license negotiations and license agreements, the scope and terms of the Enterprise License Agreement and/or other related agreements, his knowledge of the parties' relationship and communications, and FICO's response to the merger and its purported termination of the Enterprise License Agreement.
Michael Schraer	Live	Michael Schraer is expected to testify about the use of Blaze and business, sales and underwriting practices, and the factors that contribute to revenue generation and profit.
Russell Schreiber	Live	Russell Schreiber is expected to testify about Blaze license negotiations and license agreements, 2006 license negotiations, the scope and terms of the Enterprise License Agreement and/or other related agreements, and FICO's response to the merger and its purported termination of the Enterprise License Agreement.
Paul Seeley	Live	Paul Seeley is expected to testify about Federal's information-technology infrastructure and applications used by Defendants.
Ewen Setti	Live	Ewen Setti is expected to testify about Blaze use in Europe.
Patrick Sullivan	Live	Patrick Sullivan is expected to testify about 2006 license negotiations, the scope and terms of the Enterprise License Agreement and/or other related agreements, and use of Blaze.
Jonathan Taylor	Live	Jonathan Taylor is expected to testify about Defendants' and their affiliates' corporate structure and Blaze service and maintenance agreements.
Alissa Theberge	Live	Alissa Theberge is expected to testify about the use of Blaze, Defendants' business, sales, and underwriting processes, and the factors that contribute to revenue generation and profit.
Zorica Todorovic	Deposition	Zorica Todorovic is expected to testify about global use of software applications, use of Blaze in Canada, and alleged third-party use of Blaze.

Witness Name	Presentation	Summary of Testimony
William Waid	Live	William Waid is expected to testify about Blaze license negotiations and license agreements, the scope and terms of the Enterprise License Agreement and/or other related agreements, his knowledge of the parties' relationship and communications, FICO's response to the merger and its purported termination of the Enterprise License Agreement, and FICO's alleged damages.
Lawrence Wachs	Deposition	Lawrence Wachs is expected to testify about 2006 license negotiations, and the scope and terms of the Enterprise License Agreement and/or other related agreements.

B. EXPERT WITNESSES

Federal and ACE may present live testimony from the following expert witnesses:

Witness Name	Presentation	Summary of Testimony
Christopher Bakewell	Live	Christopher Bakewell is expected to testify about the opinions disclosed in his reports and deposition testimony.
Steven Kursh	Live	Steven Kursh is expected to testify about the opinions disclosed in his reports and deposition testimony.
William McCarter	Live	William McCarter is expected to testify about the opinions disclosed in his reports and deposition testimony.

Dated: January 6, 2023

/s/ Terrence J. Fleming

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